

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Michele Alice Tappan

Debtor.

C/A No. 19-05019

Chapter 13

SETTLEMENT ORDER
ON
MOTION FOR RELIEF FROM
AUTOMATIC STAY

This matter comes before the Court on the motion for relief from the automatic stay filed by Otranto Club Villas Regime III ("Movant"). The Chapter 13 Trustee did not object to the motion. The property which is the subject of the motion is described as follows:

2152 Palermo Place, North Charleston, SC 29418

Upon the agreement of the parties, it is hereby ORDERED:

According to the certifications of facts, the value/equity in the subject property above the movant's lien is \$21,937.68.

As of April 1, 2022, Debtor has accrued a post-petition arrearage in the amount of \$8,314.73. The post-petition arrearage consists of:

- ☒ Payments totaling \$5,845.80 (at \$266 per month + late fees).
- ☒ Attorney's fees and costs in the amount of \$2,468.63.

Debtor shall continue to remit to Movant the regular post-petition monthly payments beginning April 15, 2022, and continuing thereafter in accordance with the terms of the Movants Regime fees. Debtor will also pay any required special assessments as established from time to time. The Debtor is paying a special assessment for 2022 at \$100 a month. Regular payments due May 1, 2022, and due thereafter, will be due on the first day of each month.

In addition to the regular post petition monthly payments set forth above, Debtor shall cure the post petition arrearage of \$ 8,314.73 as follows:

- ☒ Pay initial payment of \$244.56 by April 15, 2022.
- ☒ Pay \$244.56 per month beginning May 1, 2022 for 33 months.

Failure to make a payment of the cure payment, Regime fees, or any special assement payments within 15 days from its due date during the cure period shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

2175 Spoletto Lane East~~[Address for Payment]~~
North Charleston, SC 29406

In the event of a default under the terms of this Order, Movant may file an affidavit of default and request for further hearing, and a hearing will be scheduled to determine whether relief from stay is warranted.

~~In the event of a default under the terms of this Order Movant shall be allowed to pursue State Court remedies without further approval of this court.~~

Movant agrees to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay:

- ☐ is applicable to any order granting relief for default on this settlement order.
☒ is not applicable to any order granting relief for default on this Settlement Order.

NON-STANDARD LANGUAGE
(Hearing May Be Required for Approval)

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ ~~Attorney for Movant~~ Sean Markham

Attorney for Movant

District Court I.D. 10145

/s/ R. Michael Drose

Attorney for Debtor

District Court I.D. 609

CERTIFICATION:

Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor or the party obligated to pay.

/s/ R. Michael Drose

Attorney for Debtor

District Court I.D. 609